

Falk, NY Feb '76

John Faren (Rutgers)

Burns Weston (Iowa)

Wolfgang Friedman

Richard Arens (Univ. of Toronto)

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Philip Jessup (?)

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(Issue is not motivation, but intention;
though "intent to harm" is a
mark of motivation.

I had responsibility — by background,
access — to attempt to halt a course
of illegal

Strongest legal argument: waging of war
without appropriate Cong. participation —
sustained combat without explicit authorization —
in view of deception of Congress: misled, —
concealed —

This, Constitution: war-powers.

("Right-to-know" is more democratic theory...)

(Could say: state sovereignty is being infringed; federal nation depends on delegated powers)

(2). Treaties. (1) UN Charter.

Incorporates outlawing of war, from Nuremberg + Tokyo.

Only permissible use of force — self-defence against a prior armed attack (not infiltration or subversion, "indirect aggression." Dulles to Fulbright, on ME Resolution: "Gang to 'source of aggression' is quickest way to WW III")

(i.e. to be applied only to Korean-type aggressing. Postwar tried to establish equivalence between Sabachian and Korea,).

We opposed Israel in 1956; provocation
"not sufficient." [and Soviet raid
in Tunisia; and UK ^{Saudi Arabian} attacks vs. Yemen,].
Adm

Article 33

3. Procedural duty to seek authorisation from
Security Council — after claim of
self-defense.

(Nixon made a "report" after Cambodia.)
govt.

+

"aggressive war" — anything but defense
against prior armed attack.

Initiation of air war in Feb 1965;
No prior armed attack; we were restricted
to responses confined to SVN — esp. since we
regarded SVN as separate entity

7/11/74 17 14

We did not claim "prior and attack" until

[My work is '64 on 325th...

Plister — no case for "reprise"...

N. E.
John Fried — New York, Lawyers' Committee
(E. 86th St.)

Adjunct Prof. of C. of N.Y.

older, writes badly: could

Lidon Kottlieb — NYU Law School

Telford Taylor

Kelvin — now at Catholic Univ. Law School

Fried + Kelvin: when panel of advisors

- From earliest days, US policy contrary
to principle of "self-determination"
(in Russia)

- Intervention in affairs of another country.

Article 2(4)